

Emergency Room: Hospital's Own Rules Were Not Followed, Jury Verdict Against Hospital.

The patient died at home from a myocardial infarction two hours after spending twenty-seven minutes in the E.R. and then being sent home. The Supreme Court of Tennessee ruled the jury was correct to hold the hospital responsible.

Possible Cardiac Symptoms

Left Arm Sprain Diagnosed

Patient Sent Home

The patient had spent the morning working in his garden and using an ax and other hand tools to clear and clean up his yard. Around noon he stopped working and went in the house to soak and apply ice to his left arm which was hurting. The pain did not subside and he began to feel worse so his wife drove him to the emergency room.

On arrival in the E.R. the patient was seen by a paramedic. The patient explained that his left arm and wrist hurt. His wife added that he was sick to his stomach. The paramedic took vital signs, BP 130/70, pulse 100 and respirations 20. A nurse practitioner then saw the patient. Her diagnosis was left arm sprain from overuse. After conferring with the E.R. physician the nurse practitioner sent the patient home with instructions to take over-the-counter pain medication and apply ice to his arm.

No cardiac workup was done. He left the hospital less than thirty minutes after he arrived.

Two hours later the patient collapsed at home and was taken back to the hospital by ambulance where he was pronounced dead from a myocardial infarction.

The widow filed a lawsuit alleging that the hospital was negligent because her husband was not triaged by a registered nurse and was never actually seen or examined by a physician.

If the appropriate professionals had seen the patient they would have known to explore his medical history more fully, the jury believed. He was obese and a heavy smoker with high cholesterol and a family history of heart disease. Cardiac involvement should have been ruled out. Barkes v. River Park Hosp., ___ S.W. 3d ___, 2010 WL 4117151 (Tenn., October 20, 2010).

The family's expert witness holds a PhD in hospital administration.

The standard of care for the emergency department calls for a registered nurse to triage the patient and for a physician actually to see the patient before the patient is allowed to go home.

The hospital's own policies and procedures, as written, are in accord with the standard of care, but there was an apparent problem with those policies and procedures being successfully communicated to staff members in the emergency department.

The emergency department nurse practitioner was unaware of the hospital's policy requiring every patient presenting in the emergency department to be seen by a physician.

The physician testified she would have more closely evaluated the patient for cardiac involvement if she had known the patient was a heavy smoker and obese and had a family history of cardiac problems, information a physician would routinely obtain from a patient under the circumstances, if she had actually seen him.

SUPREME COURT OF TENNESSEE
October 20, 2010